State Constitution

The Constitution of the State of Hawaii

Adopted by the delegates to the constitutional convention on April 14, 1950. Section Leven of Hawaii 1949 is also adopted by the people of the State of Hawaii November 7, 1950, and as deemed ratified when three propositions submitted to the people in accordance with the Act of Congress approved March 18, 1959, 73 Stat. 4, Public Law 86-3, were adopted by the people of the State of Hawaii. Section 5 of Act 4 is amended, it was accepted, ratified and confirmed by Congress by the Act of Congress approved August 21, 1959, 73 Stat. 141, Public Law 86-70 and proclamation of President of the United States on August 21, 1959.

The Constitution has since been amended a number of times in accordance with enactment of amendments by legislative or constitutional convention and ratified by the people. The source of these amendments is indicated in the source notes immediately following the text of the amended or new section.

Revision Note

On November 7, 1978, amendments to the Constitution proposed by the Constitutional Convention of 1978 were presented to the electorate for its approval. The Convention Convention's computer report showed that all the amendments had been ratified by the electorate and had been adopted by the Convention Convention of Hawaii as of November 8, 1978. 1978 SSR 1978 SSR 1978 SSR

representations that be last years and the term of office of a member of the senate shall be four years. The term of a member of the legislature shall be five years plus all the general elections of the year in which the term of a member of parliament expires, or the day of the general election immediately following the year previous at which election. The term of a member of the senate shall be four years plus all the general elections of the year in which the term of a member of the senate expires, or the day of the general election immediately following the year previous at which election. The term of a member of the senate, the term of a member of the legislature and the term of office of a member of the municipal council shall be fixed by the election law, the member's term commences. (See Canada Act 1978 and election law 1978, section 10 (1) (1987) and election law 5, 1984)

MEMBERS

Section 5. Any vacancy in the legislature shall be filled for the unexpired term in such manner as may be provided by law, or if an election is made for law, by appointment by the governor for the unexpired term. (See and act Canada Act 1978 and election law 7, 1978)

QUALIFICATIONS OF MEMBERS

Section 6. No person shall be eligible to serve as a member of the senate unless the person has been a resident of the province for the preceding year, and is a resident of the province at the time of the election, and is a resident of the district or division in which the person is elected, and is a person who is a citizen of the province and is a person who is a citizen of the province and is a person who is a citizen of the province

The supreme court shall create a commission on judicial discipline which shall have authority to investigate and recommend to the supreme court the removal, retirement, suspension, fine, or other discipline of any justice or judge upon concurring recommendation of the commission and the supreme court or judge. [Ord Com Ctrl 1968 and elections Nos. 1, 1968; rev and ord Const Con 1978 and election Nos. 1, 1978]

ARGUMENT PROTECTION

Section 5. The chief justice of the supreme court shall be the administrative head of the courts. The chief justice may assign judges from any court to another for temporary service. With the approval of the supreme court, the chief justice may establish a special administrative division to serve at the chief justice's pleasure. [Rev and ver Const Con 1978 and election No. 1, 1978]

RULES

Section 6. The supreme court shall have power to promulgate rules and regulations in all civil and criminal cases for all courts relating to process, practice and appeals, which shall not abridge, enlarge or modify the rights of litigants. [Rev Const Con 1978 and election No. 1, 1978]

ARTICLE VI

Taxation And Finance

Note: This article was transferred from Article XII to this Article VI by Const Con 1978 and election No. 1 1978. The former Article VI title was appears as Article VIII.

TAXING POWER AND PURPOSES

Section 1. The power of taxation shall never be surrendered, suspended or contracted away. [Rev Const Con 1978 and election No. 1, 1978]

INCOME TAXATION

Section 2. In levying a tax law imposing a tax or increased by increase, the legislature may define income by reference to provisions of the laws of the United States as they now or hereafter effective at any time or from time to time shall be in effect for purposes of taxation by the United States, or by reference to provisions of the laws of the United States that are based on the laws of the State upon their becoming the law of the United States. The legislature shall in any such law set the rate or rates of such tax. The legislature may in so defining income make such exclusions, deductions, credits, or other provisions as it shall deem proper. The legislature may also provide such other retrospective provisions or modifications to these provisions which are remedial. [Rev Const Con 1978 and election No. 1, 1978]

TAX REVIEW COMMISSION

Section 3. There shall be a tax review commission, which shall be appointed as provided by law on or before July 1, 1980, and once in ever four years thereafter. The commission shall submit to the legislature an evaluation of the State's tax structure, recommend revenue and tax policy and then dissolve. [Add Const Con 1978 and election No. 1 1978]

APPROPRIATION FOR PRIVATE PURPOSES PROHIBITED

Section 4. No tax shall be levied or appropriation of public money or property made, nor shall the public credit be loaned, except to meet the current expenses of the State and such other obligations as are authorized by this or other constitution, for good and public reasons, or property shall be made except pursuant to standards established by law. [Rev Const Con 1968 and elections Nos. 1, 1968; rev and ver Const Con 1978 and elections No. 1, 1978]

EXPENDITURE CONTROLS

Section 5. Provision for the control of the rate of expenditures of appropriated state moneys, and for the reduction of such expenditures under certain conditions, shall be made by law.

No public money shall be expended except pursuant to appropriations made by law. General fund expenditures for any fiscal year shall not exceed the state's revenues and other sources of general fund expenditure authority, except when the governor publicly declares that public health, safety or welfare is threatened as provided by law. [Rev Const Con 1968 and elections No. 1, 1968; rev and ver Const Con 1978 and elections No. 1, 1978]

DEDICATION OF CERTAIN REVENUES

Section 6. Whenever the state general fund balance at the close of each or two successive fiscal years exceeds five percent of general fund revenues for each of the two fiscal years, the legislature in the next regular session shall:

1. Provide for a tax refund or tax credit to the taxpayers of the State, as provided by law;
2. Provide for the payment of all or any part of the state's obligations to the public employees supplemental reserve of funding for the State's share of emergency economic stabilization, as provided by law;
3. Provide for the payment of any fee for the payment of either or both of the following, as provided by law: (A) State service for general obligation bonds issued by the State; or (B) Interest or other post-employment benefit liabilities accrued for state employees. For the purpose of this paragraph, "pro payment" means a payment for a liability or obligation in the year in which the liability or obligation is incurred. [Add Const Con 1978 and election No. 1 1978 and Const Con 1978 and election No. 1, 1978; and SB 2827 2010 and election No. 8, 2010; and SB 2534 2014 and election No. 8, 2014]

COUNCIL ON REVENUES

Section 7. There shall be established by law a council on revenues which shall prepare revenue estimates of the state government and shall report the estimates to the governor and the legislature at times provided by law. The estimates shall be considered by the governor in preparing the budget, recommending appropriations and proposing revenue measures. The council on revenues shall be composed of members representative of the executive, legislative and revenue measures. All revenue estimates established by the council to the governor and the legislature shall be made public. If the legislature in approaching fiscal biennium or in the governor in preparing the budget or recommending revenue measures, shall find the revenue estimates of the council on revenues to be inadequate, the reasons shall be stated in writing. [Add Const Con 1978 and election No. 1 1978]

THE BUDGET

Section 8. Within such time prior to the opening of each regular session or an odd-numbered year as may be prescribed by law, the governor shall submit to the legislature a budget in a form prescribed by law setting forth a complete plan of proposed expenditures and estimated revenues and borrowings for the fiscal biennium beginning in the calendar year of such regular and budgetary sessions, and anticipated surplus of the State for the ensuing fiscal biennium, together with such other information as the legislature may require. A complete plan of proposed expenditures of the judicial branch of the State for the ensuing fiscal biennium in such form and manner as shall be prescribed by the chief justice of the supreme court shall be part of the budget submitted to the legislature. The budget presented by the governor and the plan of proposed expenditures proposed by the chief justice shall also be submitted to the house, the senate and the clerk of the house of representatives and the senate. Appropriations to be made pursuant thereto shall be and are recommended additional revenues or borrowings by which the proposed expenditures of the State for the ensuing fiscal biennium may be made within the estimated revenues of the State and estimates of the aggregate expenditures of the judicial and legislative branches, submitted by the governor shall not exceed the general fund expenditure ceiling established by the legislature under section 9 of this article, provided that appropriations in excess of such general fund expenditure ceiling may be made in any fiscal year of the biennium if the governor and the clerk by which the same will be exceeded and the reasons therefor. [Rev Const Con 1968 and elections No. 1, 1968; rev and ver Const Con 1978 and elections No. 1, 1978]

LEGISLATIVE APPROPRIATIONS; REVENUES; BORROWING; LIMITATION CEILING

Section 9. In each regular session or an odd-numbered year, the legislature shall enacted in the governor, an appropriation bill for the legislative and judicial branches of the State for the ensuing fiscal biennium. In such session, or appropriation bill, except bills recommending the governor for immediate passage or to cover the expenses of the legislature, shall be passed on final reading and the bill authorizing operating expenditures for the ensuing fiscal biennium to be known as the general appropriations bill, shall have been transmitted to the governor.

In each regular session or in even-numbered year, at such time as may be provided by law, the governor may submit to the legislature a bill to amend any appropriation for operating expenditures of the State for the ensuing fiscal biennium known as the supplemental appropriations bill, and bills to amend any appropriations for capital expenditures of the State for the ensuing fiscal biennium known as the capital appropriations bill, and bills to amend any revenue measures or borrowings that such amendment requires. In such regular session or even-numbered year, bills may be introduced in the legislature to amend any appropriation act or bond authorization act of the current fiscal biennium or any bill for revenue or borrowing which the governor has recommended. Such amendatory appropriations bills, such appropriation bill, except bills recommended by the governor for immediate passage, or to cover the expenses of the legislature, shall be passed on final reading and such supplemental appropriations bill shall have been transmitted to the governor.

GENERAL FUND EXPENDITURE CEILING

Notwithstanding any other provisions to the contrary, the legislature shall establish a general fund expenditure ceiling which shall limit the rate of growth of general fund appropriations, including federal funds received by the general fund, for the ensuing fiscal biennium. The general fund expenditure ceiling shall be based on a percentage of the ceiling shall be authorized during any legislative session unless the legislature shall by a two-thirds vote of the members to which each house of the legislature is entitled, set forth the dollar amount and the rate by which the general fund expenditure ceiling is increased for the ensuing fiscal biennium. [Add Const Con 1978 and election No. 1 1978; rev and ver Const Con 1978 and elections No. 1, 1978; and SB 2223 1990 and election No. 1, 1990]

AUDITOR

Section 10. The legislature, by a majority vote of each house in joint session, shall appoint an auditor who shall serve for a period of eight years and thereafter until a successor shall have been appointed. The legislature, by a two-thirds vote of each house in joint session, may remove the auditor for cause. The auditor shall be a person of high moral character, the author to conduct post-audits of the transactions, accounts, programs and performance of all departments, offices and agencies of the State and to perform such other duties as may be necessary of all financial statements, accounts, and reports of all public officers and agencies of the State and all political subdivisions and agencies and to the legislature at such times as it shall be provided by law. The auditor shall also make such additional reports and conduct such other investigations as may be directed by the legislature. [Rev Const Con 1968 and elections No. 1, 1968; rev and ver Const Con 1978 and elections No. 1, 1978]

LAPSING OF APPROPRIATIONS

Section 11. All appropriations for which the power to expend lapses from time to time or general funds shall be specified periods. No such appropriation shall be made for a period exceeding three years; provided that appropriations made for capital improvements shall lapse at the end of the fiscal biennium next succeeding the biennium in which the construction or acquisition of public school facilities. No such appropriation or any portion of any such appropriation that is unencumbered at the close of the fiscal period for which the appropriation is made shall be available for expenditure in any succeeding period, except that the unexpended balance of any such appropriation shall lapse if the legislature determines that the appropriation or any portion of the appropriation is necessary to qualify for federal aid financing and reimbursement. Where general obligation bonds have been authorized by the legislature, the unexpended balance of the proceeds of such bonds shall be available for the amount lapsed. [Add Const Con 1978 and election No. 1 1978; and SB 2223 1990 and election No. 1, 1990]

DEFINITIONS; ISSUANCE OF INDEBTEDNESS

Section 12. For the purposes of this article:

1. The term "bonds" shall include bonds, notes and other instruments of indebtedness.
2. The term "general obligation bonds" means all bonds for the payment of the principal and interest of which the full faith and credit of the State or a political subdivision are pledged and unless otherwise indicated, includes general obligation revenue bonds.
3. The term "net revenues" or "net revenue requirements" means the revenues or receipts derived from:
   1. A public undertaking, improvement or system remaining after the cost of operation, maintenance and reserves for the payment of revenue bonds issued for such undertaking, improvement or system and interest on all revenue bonds issued therefor, have been made; or
   2. Any payments or returns on security under a program or loan or interest thereunder after the costs of operation and administration of such program or loan and payment of the principal of and interest on all revenue bonds issued therefor, have been made.
4. The term "date of net revenue" means any person who has a right to, title to, or an interest in, a lien, or a claim on the property upon which a claim, a mortgage, or an encumbrance has been created or authorized.
5. The term "person" means an individual, firm, partnership, corporation, association, cooperative or other legal entity recognized under or by the laws of the State or any instrumentality thereof or any combination of the foregoing.
6. The term "rates, rentals and charges" means all revenues and other moneys derived from the operation or lease of a public undertaking, improvement or system, or derived from any payments, returns on security under a program or a loan thereunder, provided that it excludes principal payments, assessments and earnings, shall include all revenues and other moneys derived from such public undertaking.
7. The term "nondedicated general obligation bonds" means general obligation bonds issued for a public undertaking, improvement or system from which revenues, or user taxes, or combination of both, may be derived, but which are not secured by a pledge of such revenues or user taxes, or combination of both, sufficient to constitute a revenue bond, and in the case of general obligation bonds issued for a public undertaking, improvement or system, or a public undertaking, improvement or system, or a public undertaking, improvement or system, or

Cap. 179 enactment No. 1 of 1990.

GENERAL LAWS REGULATED BY STATUTE

Section 5. The legislature power over the lands owned by or under the control of the State and its political subdivisions shall be exercised only by general laws, in respect to transfer or lease of the land, or any interest in the State or political subdivision, or any department or agency thereof. (Rev and see Cap Cnst 1978 and enactment No. 1 1978)

HARMFUL RESOURCES

Section 6. The State shall have the power to manage and control the marine, coastal and other resources located within the State, including but not limited to, the exclusive right to control the taking of fish and all such rights under sovereignty which have not specifically limited by federal or international law.

All fisheries in the waters of the State not included in any fish pond, artificial enclosure or state licensed marikulture operation shall be free to the public, subject to vested rights and the right of the State to regulate the same, provided that such plant operations shall be established under guidelines enacted by the legislature, which shall provide for the protection of the public rights. (Rev and see Cap Cnst 1978 and enactment No. 1 1978)

(Rev and see Cap Cnst 1978 and enactment No. 1 1978)

WATER RESOURCES

Section 7. The State has an obligation to protect, control and regulate the use of Hawaii's water resources for the benefit of its people.

The legislature shall provide for a water resources agency which, as provided by law, shall set overall water conservation, quality and protection, define beneficial and reasonable uses, protect ground and surface water resources, watersheds and native ecosystems, establish instream and offstream water requirements, assess and approximate rights and existing conversion and reserve uses and establish procedures for regulating all use of Hawaii's water resources. (Add Const Cnst 1978 and enactment No. 1 1978)

NUCLEAR ENERGY

Section 8. No nuclear fusion power plant shall be constructed or nuclear fusion material disposed of in the State without the express approval by a two-thirds vote of each house of the legislature. (Add Const Cnst 1978 and enactment No. 1 1978)

ENVIRONMENTAL RIGHTS

Section 9. Each person has the right to a clean and healthful environment, as defined by laws relating to environmental quality, including control of pollution and conservation, protection and enhancement of natural resources. Any person may enforce this right against any party, public or private, through appropriate legal proceedings subject to reasonable limitations and regulation as provided by law. (Add Const Cnst 1978 and enactment No. 1 1978)

FARM AND HOME COMMISSION

Section 10. The public lands shall be used for the development of farm and home ownership on an widespread a basis as possible, in accordance with purposes and limitations prescribed by law.

Note: This is the former section 5 of the old Article X. A proposal of the 1970 Constitutional Convention defining this provision from the Constitution was not validly ratified. Kahalekai v. Doi, 60 H. 539, 594 P.2d 163. In view of the holding, the minor has ordered the provision and designated it as section 10 of this article under the authority of section 2 of the 1978 Constitutional Convention.

EXCLUSIVE ECONOMIC ZONE

Section 11. The State of Hawaii asserts and reserves its rights and interest in its exclusive economic zone for the purpose of exploring, exploiting, conserving and managing natural resources, for fishing and marikulture, of the seabed and subsoil, and super adjacent waters. (Add Ab 2021 (1980) and election Nov. 4, 1980)

Article XII

Legislative Initiative

Note: This article was redesignated from "Article XI Houston Henry Jr.'s Article XII Houston Albert v. Tax Cases Cap 1978 and enactment No. 1 1978. The former Article XII now appears as Article XIII.

COMMON-GROUND CONTRACT ACT

Section 1. Anything in this constitution to the contrary notwithstanding, the Hawaiian Homes Commission Act, 1920, enacted by the Congress, as the same has been or may be amended prior to the admission of the State, to be hereby adopted as a law of the State, subject to amendment or repeal by the legislature, provided that if and to the extent that any of the provisions of said Act shall be inconsistent with the laws of the United States, or any treaty of the United States and no other manner, provided that if the United States shall have been provided or shall provide that particular provisions or types of provisions of such Act may be amended in the manner required for amendment of federal laws, then such provisions or types of provisions of said Act may be amended in accordance with the manner and with the effect such and to in accordance with the terms and at such times, as the United States shall provide for amendment of federal laws, and provided further that the Hawaiian Homes Commission Act, 1920, shall not be amended in any manner that would violate the compact with the United States relating to the management and disposition of the Hawaiian home lands, or relating to the administration and operating budget of the department of Hawaiian home lands, in the manner of U.S. 25 and Act 15 thereto, by appropriating the same for purposes other than those specified in said compact.

Thirty percent of the state receipts derived from the leasing of cultivated sugarcane lands under any provision of law shall be deposited in the Hawaiian home operations fund and shall be expended by the Hawaiian Homes Commission Act, 1920, for the purposes mentioned in that section. Thirty percent of the state receipts derived from the leasing of lands cultivated as sugarcane lands on the effective date of this section shall continue to be deposited in the Hawaiian home operations fund and shall be expended by the Hawaiian Homes Commission Act, 1920, for the purposes stating in the preceding sentence. Thirty percent of the state receipts derived from the leasing of lands cultivated as sugarcane lands on the effective date of this section shall be deposited in the Hawaiian home operations fund and shall be expended by the Hawaiian Homes Commission Act, 1920, for the purposes stating in the preceding sentence.

Note: Reference to "effective date of this section" in last paragraph of section probably refers to effective date of section 1 of Article XII. (Rev and see Cap Cnst 1978 and enactment No. 1 1978)

ACCEPTANCE OF COMPACT

Section 2. The State and its people do hereby accept, as a compact with the United States, or on conditions or trust provisions imposed by the United States, the provisions of the Hawaiian Homes Commission Act, 1920, and to the requirement that section 5 hereof be included in this constitution, in which or in part, it being intended that the act or parts of the act shall be carried into effect in accordance with the terms and conditions of the compact and with trust provisions, as the case may be. The State and its people do further agree and declare that the provisions of the Hawaiian Hawaiian Commission Act relating to the conveyance of the Hawaiian homes projects to the further rehabilitation of the Hawaiian race shall be fulfilled, in and as set out. (Rev and see Cap Cnst 1978 and election Nov. 7, 1978)

COMPACT ACCEPTION. PROCEDURES AFTER ACCEPTION

Section 3. As contrast with the United States relating to the management and disposition of the Hawaiian home lands, or relating to the administration and operating budget of the department of Hawaiian home lands, as provided in section 2 of section 5 of the Hawaiian Act, subject to amendment or repeal only with the consent of the United States, and in no other manner, provided that 1) sections 202, 212, 219, 220, 222, 224 and 225 of the Hawaiian Homes Commission Act, 1920, and the qualifications of persons shall not be changed without the consent of the United States, provided that any of these sections or provisions may be amended in the constitution, or in the manner required for state legislation, but the Hawaiian home lands, and the proceeds and income from the same, may not be used for any purpose other than those for which they were set aside, unless amended, whether made in the constitution or in the manner required for state legislation, and the encumbrance authorized to be placed on Hawaiian home lands by others than those charged with the administration of the Hawaiian home lands, or relating to the administration of the Hawaiian home lands, or an amendment to increase the benefits to lessees of Hawaiian home lands may be made in the constitution, or in the manner required for state legislation, but the qualifications of lessees shall not be changed except with the consent of the United States, 2) the powers and duties of the Hawaiian Homes Commission, and the board of land and natural resources only in carrying out the provisions of such act, 3)all 73 Stat 4 and election June 27, 1959, rev and see Cap Cnst 1978 and election Nov. 7, 1978)

PUBLIC TRUST

Section 4. The lands granted to the State of Hawaii by Section 5(b) of the Admission Act and pursuant to Article XVI, Section 7, of the State Constitution, including Hawaiian lands defined as "available lands" by Section 203 of the Hawaiian Homes Commission Act, 1920, as amended, shall be held by the State as a public trust for native Hawaiians and the general public as provided for in section 5(f) of the Admission Act.

OFFICE OF HAWAIIAN AFFAIRS ESTABLISHMENT OF TRUSTEES

Section 5. There is hereby established an Office of Hawaiian Affairs. The Office of Hawaiian Affairs shall hold title to all the real and personal property now hereafter set aside or conveyed to which shall be held in trust for native Hawaiians and Hawaiians. There shall be a board of trustees for the Office of Hawaiian Affairs elected by qualified voters who are native Hawaiians and Hawaiians, to serve for a period of four years, provided that the initial trustees shall be members of the board of trustees, provided that each of the following boards shall be deemed to be the initial trustees: Colin. Kauai, Maui, Molokai and Hawaii. The board shall select a chairperson from its members (Add Const Cnst 1978 and election Nov. 7, 1978)

POWERS OF BOARD OF TRUSTEES

Section 6. The board of trustees of the Office of Hawaiian Affairs shall exercise power as provided by law: to manage and administer the lands, income and proceeds held or other disposition of the lands and income, revenues and receipts derived from whatever source for native Hawaiians and Hawaiians, including all income and proceeds from that any purpose or the trust referred to in section 5 of this article for native Hawaiians; to formulate policy relating to affairs of native Hawaiians and Hawaiians; and to exercise control over real and personal property set aside by state, city and county, and other agencies, to the Office of Hawaiian Affairs. (Rev and see Cap Cnst 1978 and election Nov. 7, 1978)

power to exercise control over the Office of Hawaiian Affairs through its executive officers the administrator of the Office of Hawaiian Affairs, who shall be appointed by the board. (Add Const Cnst 1978 and election Nov. 7, 1978)

TRADITIONAL AND CUSTOMARY RIGHTS

Section 7. The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupuaa tenants who are native Hawaiians and Hawaiians, to the extent feasible in the Hawaiian Islands on July 17, 1892, subject to the right of the State to regulate such rights. (Add Const Cnst 1978 and election Nov. 7, 1978)

Note: A proposal of the 1978 Constitutional Convention adding a section 7 defining the terms "Hawaiian" and "native Hawaiian" was not validly ratified. Kahalekai v. Doi, 60 H. 539, 594 P.2d 163. In view of the holding, the minor has ordered the provision and designated it as section 7 under the authority of Resolution No. 29 of the 1978 Constitutional Convention.

Article XIII

Organization; Collective Bargaining

Note: This article was redesignated from Article XII to Article XIII by Const Cnst 1978 and election Nov. 7 1978. The former Article XIII now appears as Article XIV.

PRIVATE EMPLOYEES

Section 1. Persons in private employment shall have the rights to organize for the purpose of collective bargaining. (Rev and see Cap Cnst 1978 and election Nov. 7, 1978)

PUBLIC EMPLOYEES

Section 2. Persons in public employment shall have the right to organize for the purpose of collective bargaining as provided by law. (Rev and Const Cnst 1978 and election Nov. 7, 1978)

Article XIV

Code Of Ethics

Note: This article, entitled "Code of Ethics," is new, adding the Const Cnst 1978 and election Nov. 7 1978. The former Article XIV, entitled "General and Miscellaneous Provisions," now appears as Article XVI.

The people of Hawaii hereby affirm public officers and employees must exhibit the highest standards of ethic conduct and that these standards come from the personal integrity of each individual in government. To keep faith with this belief, the people of Hawaii hereby mandate that a code of ethics be established by law. The code of ethics shall apply to appointed and elected officers and employees of the State or the political subdivisions, respectively, including members of the boards, commissions and other bodies.

Code of ethics shall be established by a nonpartisan ethics commission, except the code of ethics adopted by the constitutional convention which shall be administered by the state ethics commission. The members of ethics commission shall be appointed by the governor, the speaker of the house and the president of the senate. Ethics commissioners shall be selected in a manner which assures their independence and impartiality.

Each code of ethics shall include, but not be limited to, provisions on gifts, confidential information, use of position, contracts with government agencies, post employment, financial disclosure, disclosure of interest, and fair dealing. Violations. The financial disclosures provisions shall require all officers, all candidates for elective office and employees of the State and political subdivisions, respectively, to disclose their financial interests, including but not limited to, holdings of corporation stock, and to be prohibited from holding any stock which could substantially conflict with their official duties. All financial disclosure statements shall include, but not be limited to, sources and amounts of income, business ownership, and ownership of real property. Violations of the code of ethics shall be prosecuted by the attorney general and the names of persons represented before government agencies. (Add Const Cnst 1978 and election Nov. 7, 1978)

Article XV

State Boundaries; Capital; Flag; Language And Motto

Note: This article was redesignated from "Article XIV State Boundaries, Capital, Flag" to "Article XV State Boundaries, Capital, Flag, Language and Motto" by Const Cnst 1978 and election Nov. 7 1978. The former Article XV now appears as Article XVI.

BOUNDARIES

Section 1. The State of Hawaii shall consist of all the islands, together with their appurtenant reefs and territorial and archipelagic waters, included in the Territory of Hawaii on the date of enactment of the Admission Act, except that the known as Palmyra Island, together with its appurtenant reefs and territorial waters, but title State shall not be deemed to be a party to the Act of Congress of August 21, 1959, entitled "An Act to provide for the admission of the State of Hawaii into the Union" and shall be subject to and subject to the provisions of the Act of Congress of August 21, 1959, rev and see Const Cnst 1978 and election Nov. 7 1978)

Note: Date of enactment of Admission Act - March 18, 1959.

An election of June 27, 1959, in amending this section to conform to the Admission Act, Public Law 86-3 (73 Stat 4), adopted the following boundaries: "Beginning at a point on the coast line of the United Stater 36 miles of the State to any zone of land to include the boundaries to and from Hawaii.

Legislative history of section 2 of Admission Act, rev 1957. Sept. 5(b)

Language adopted to describe boundaries in the Act of Congress in the Act was such in H. 2017 as passed by the House of Rep. Sept. 5(b) Language in S. 50 as reported by the Senate Committee on Interior and Insular Affairs, March 6, 1958, on consideration of S. 50 for which H.R. 2017 was substituted. 105 Cong. Rec. p. 2789, cols. 1-2, and see Senate hearings on S. 49, S. 51, and H. 2017, 85th Congress, Second Session, June 9, 1958 (Hearings on Admission of Alaska and Hawaii Before the Committee on Territory of Hawaii

When Admission Act finally was enacted by 86th Congress, 1st Session, committee report stated that "the boundaries of the new State will include all the islands and territorial waters of the Territory of Hawaii, except the island of Palmyra." Other islands treated as included were "not considered to be part of the Territory". Sen. Rep. 85-138. Rep. 85-1064, 85th Cong. 1st Session.

Report of the Committee which prepared the Hawaiian Organic Act is incorporated in the Congressional Record of the President, Sen. Doc. 16, 55th Congress, 3d Session. 1898, listed in addition to the eight principal Islands and Palmyra, two islands. But this listing has not been deemed to be complete. See note to 32 of Hawaiian Organic Act.

As to federal reservations, see note to 61 A.

CAPITAL

Section 2. Honolulu, on the Island of Oahu, shall be the capital of the State. (Rev and Const Cnst 1978 and election Nov. 7, 1978)

STATE FLAG

Section 3. The Hawaiian flag shall be the flag of the State. (Rev Const Cnst 1978 and election Nov. 7, 1978)

OFFICIAL LANGUAGES

Section 4. English and Hawaiian shall be the official languages of Hawaii, except that Hawaiian shall be required for public acts and transactions only as provided by law. (Add Const Cnst 1978 and election Nov. 7, 1978)

MOTTO

Section 5. The motto of the State shall be, "Ua mau ke ea o ke aina i ka pono." (Add Const Cnst 1978 and election Nov. 7, 1978)

Article XVI

General And Miscellaneous Provisions

Note: This article was renumbered from Article XIV to Article XVI by Const Cnst 1978 and election Nov. 7 1978. The former Article XVI now appears as Article XVII.

CIVIL SERVICE

Section 1. The employment of persons in the civil service, as defined by law, or under the State, shall be governed by the merit principle. (Rev Const Cnst 1978 and election Nov. 7, 1978)

EMPLOYEES RETIREMENT SYSTEM

Section 2. Membership in any employees' retirement system of the State or any political subdivision thereof shall be a contractual relationship. The accrued benefits of which shall not be diminished or impaired. (Rev Const Cnst 1978 and election Nov. 7, 1978)

DISQUALIFICATIONS FROM PUBLIC OFFICE OR EMPLOYMENT

Section 3. No person shall hold any public office or employment who has been convicted of any act to overthrow, or participate in the overthrow, of the government of the United States or of the State of Hawaii, or who, being a fugitive from a felony or relative, Const Cnst 1978 and election Nov. 7, 1978)

GALAXY COMMISSION

Section [illegible]. There shall be a commission on salaries as provided by law, which shall review and recommend salaries for all elected officers, judges, legislators, and appointed officers of the executive branch, including officers of executive departments and the deputies or assistants to department heads of the executive departments, and shall report to law, excluding the University of Hawaii and the department of education. The commission shall also review and recommend salaries for all officers and employees of the University of Hawaii and the department of education and the salaries of the governor and the lieutenant governor.

Any salary established pursuant to this section shall not be decreased during a term of office, unless by general law applying to all officers of the State.

Not later than the fortieth legislative day of the 2007 regular legislative session and every six years thereafter, the commission shall submit to the legislature its recommendations and the direction.

The recommended salaries submitted shall become effective as provided in the recommendations, unless the legislature shall by concurrent resolution, adopted by a two-thirds vote of each house, disapprove all or any part of the adjustment.Use of the legislative resolution to the recommendations submitted shall be prohibited and any change in salary which becomes effective shall not apply to the legislature to which the recommendation for the change in salary was submitted. (Add HR 19 (1984) and election Nov. 7, 2006)

OATH OF OFFICE

Section 4. All elected public officers, before entering upon the duties of their respective offices, shall take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the constitution of the State of Hawaii, and that I will faithfully perform the duties of the office of _____ _____ to the best of my ability." As used in this section, "eligible public officers" means the governor, the lieutenant governor, the members of both houses of the legislature, the members of the board of education, the trustees of the Office of Hawaiian Affairs, the mayors and members of the city and county councils. (Rev Const Cnst 1978 and election Nov. 7, 1978)

Note: A proposal of the 1978 Constitutional Convention deleted the last sentence of this section. This section appears to be one of the unapproved changes submitted for ratification under Resolution 29. Kahalekai v. Doi, 60 H. 539, 594 P.2d 163. In view of the holding, the minor has ordered the provision and designated it as section 4 under the authority of section 2 of the 1978 Constitutional Convention.

ANTI-DISCRIMINATION OF UNORGANIZED LABOR

Section 5. The State shall not deny to any person employed in Hawaii, by 1970 reserving rights or powers to the United States, as well as those granted by the United States or conditions of the grant of land or other property made to the State of Hawaii are consented to fully by the State and its people. (Rev Const Cnst 1978 and election June 27, 1959, rev Const Cnst 1978 and election Nov. 7, 1978)

TAX EXEMPTION OF FEDERAL PROPERTY

Section 6. The taxes shall be imposed by the State upon any lands or other property now owned or hereafter acquired by the United States, except as the same shall become taxable by reason of disposition thereof by the United States or upon the expiration of any tax exemption granted by the United States. (Rev Const Cnst 1978 and election Nov. 7, 1978)

FARMING NATIONAL PARK

Section 7. Notwithstanding any other ordinance adopting the State to the Union, or providing for such admission, which reserve to the United States jurisdiction of Hawaii National Park, or the ownership or control of lands within such park, the State and its people, Const Cnst 1978 and election Nov. 7, 1978)

JUDICIAL RIGHTS

Section 11. All those provisions of the act or resolution admitting the State to the Union, or providing for such admission, which reserve to the United States judicial rights or powers are consented to fully by the State and its people, and those provisions of such act or resolution which preserve judicial rights and powers to the State are hereby accepted and adopted, and such rights and powers are hereby reserved, to be exercised and discharged pursuant to the laws of the State of Hawaii. (Rev Const Cnst 1978 and election Nov. 7, 1978)

QUETING TITLE

Section 12. No person shall be deemed to have title or estate or interest in real property by another person claiming actual, continuous, hostile, exclusive, open and notorious possession of such lands, except in real property of fee arcs. (Rev Const Cnst 1978 and election Nov. 7, 1978)

PLANS LANGUAGE

Section 13. Insofar as practicable, all governmental writing meant for the public, in whatever language, should be plainly worded, avoiding the use of technical terms. (Add Const Cnst 1978 and election Nov. 7, 1978)

TITLES, SUBTITLES AND TITLE NUMBERS

Section 14. Titles and subtitles shall not be used for purposes of construing this constitution. (Rev Const Cnst 1978 and election Nov. 7, 1978) rev and see Const Cnst 1978 and election Nov. 7, 1978)

Note: A proposal of the 1978 Constitutional Convention deleted a second paragraph which read: "Whenever any section of this constitution is amended or repealed, the number shall be followed by a capital A, B, C, etc., in order." and so the section that changes underlined for ratification under Resolution 29. Kahalekai v. Doi, 60 H. 539, 594 P.2d 163. In view of the holding, the minor has ordered the provision and designated it as section 14 under the authority of section 2 of the 1978 Constitutional Convention.

GENERAL POWER

Section 15. The construction in this constitution of specified powers shall not be construed as limitations upon the power of the State to provide for the general welfare of the people. (Rev Const Cnst 1978 and election Nov. 7, 1978) rev and see Const Cnst 1978 and election Nov. 7, 1978)

PROVISIONS ARE SELF EXECUTING

Section 16. The provisions of this constitution shall be self-executing to the fullest extent that their respective purposes. (Rev Const Cnst 1978 and election Nov. 7, 1978) rev and see Const Cnst 1978 and election Nov. 7, 1978)

Article XVII

Revision And Amendment

Note: This article was renumbered from Article XVI to Article XVII by Const Cnst 1978 and election Nov. 7, 1978.

METHODS OF PROPOSAL

Section 1. Revision of or amendments to this constitution may be proposed by constitutional convention or by the legislature. (Rev Const Cnst 1978 and election Nov. 7, 1978)

CONSTITUTIONAL CONVENTION

Section 2. The legislature may submit to the electorate at any general or special election the question, "Shall there be a convention to revise or amend the constitution or to propose amendments to the Constitution?" If any one year period shall elapse during which the question shall not have been submitted, the lieutenant governor shall certify the question, to be voted on at the first general election following the expiration of such period.

ELECTION OF DELEGATES

If a majority of the ballots cast upon such a question is in the affirmative, delegates to the convention shall be chosen at the next regular election unless the legislature shall provide for the election of delegates at a special election.

Notwithstanding any provision in this constitution to the contrary, other than Section 1 of Article XVII, as qualified by this section, the legislature may provide for the calling of a convention.

The legislature shall provide for the number of delegates to the convention, the area from which they shall be elected and the manner in which the convention shall convene. The legislature shall also provide for the necessary facilities and equipment for the convention. The convention shall have the same powers and privileges, as nearly as practicable, as provided for the convention of 1978.

MEETING

The constitutional convention shall convene not less than five months prior to the next regularly scheduled general election.

ORGANIZATION; PROCEDURE

The convention shall determine its own organization and rules of procedure. It shall fix the sole judge of the elections, returns and qualifications of its members, and it may expel any member for cause by a two-thirds vote of its cause. The governor shall act as temporary chairman of a qualified voter from the convention.

RATIFICATION; APPROPRIATION

The convention shall provide for the time and manner in which the proposed constitutional revision or amendments shall be submitted to a vote of the electorate, provided that such amendment shall be submitted to the formal or substantial equivalent of the 1978 and amended further. If at such question shall have designated square inch 1950 or 1952 or the amendment.

At least thirty days prior to the submission of any proposed revision or amendments, the convention shall make available for public inspection, a full text of the proposed revision or amendments, and shall cause to be printed in each county, and the total election office shall be provided such texts, and shall make these available for public inspection. The convention shall also provide for the publication of the proposed revision or amendments at least twenty-one days prior to the date of the election at which such revision or amendments are submitted.

The convention shall, as provided by law, be responsible for a program of voter education concerning such proposed revision or amendment to be submitted to the electorate.

The revision or amendments shall be effective only if approved at a general election by a majority of all the votes tallied upon the question, the majority consisting of such votes cast in the election cast at the election, or at a special election by a majority of all the votes tallied upon the question, the majority constituting at least fifty percent of the votes cast in such special election.

The provisions of this section shall be self-executing, but the legislature shall have the power to implement and supplement any exact legislation to facilitate their operation. (Rev Const Cnst 1978 and election Nov. 7, 1978) rev and see Const Cnst 1978 and election Nov. 7, 1978)

AMENDMENTS PROPOSED BY LEGISLATURE

Section 3. The legislature may propose amendments to the constitution by adopting the same, in the manner required for legislation, by a two-thirds vote of each house on final reading at any session, after either or both houses shall have adopted the same on second reading by a two-thirds vote, and ordering the same to be printed and filed with or without such notice, by a majority vote of each house on final reading at each of two consecutive sessions.

Upon such adoption, the proposed amendments shall be entered upon the journals, with the ayes and noes, and transmitted to the secretary of state not at least three months prior to the next general election, at which such proposed amendments shall be submitted to the electorate.

At such general election the proposed amendments shall be submitted to the electorate for approval or rejection upon a separate ballot.

The conditions and requirements for ratification of such proposed amendments shall be the same as provided in section 2 of this article for ratification at a general election. (Rev and see Const Cnst 1978 and election Nov. 7, 1978)

VETO

Section 4. No proposal for amendment of the constitution adopted in either manner provided by this article shall be subject to veto by the governor. (Rev Const Cnst 1978 and election Nov. 7, 1978)

CONFLICTING REVISION OR AMENDMENTS

Section 5. If revision or amendment proposed by the constitutional convention is in conflict with a revision or amendment proposed by the legislature, the question submitted to the electorate at the same election shall be phrased so as to present the revision or amendment proposed by the convention shall prevail. If conflicting revisions or amendments are proposed by the same body and are submitted to the electorate at the same election and both are approved, then the revision or amendment receiving the highest number of votes shall prevail. (Add Const Cnst 1978 and election Nov. 7, 1978) rev Const Cnst 1978 and election Nov. 7, 1978)

Article XVIII

Schedule

Note: This article was renumbered from Article XVII to Article XVIII by Const Cnst 1978 and election Nov. 7, 1978. Section 1 of Article XVII, entitled "Revision and Amendment," was not validly ratified. Section 2 of Article XVII, and its effecting ratify section deleted the following sections of former Article XVII: Section 2, relating to the 1968 amendment, Section 3, relating to a twenty-year section to be allocated to Kauai, Section 14, relating to the 1970 amendment, Section 15, relating to the 1972 amendment, Section 16, relating to the 1974 amendment of the Inappropriated Commission Section 18, superseding constitutional amendments proposed in Resolution 5 SD 2 of the Regular Session of 1967, Section 19, relating to Hawaii Statehood and appropriations and illegal, Sen. Rep. 85-138, Rep. 85-1064, 85th Cong. 1st Session. See also application of Section Article 10, Section 10.2, Section 10.3, relating to administration of Kaiser Hospital.

These deletions appear to be part of the unapproved changes submitted for ratification under Resolution 29. Kahalekai v. Doi, 60 H. 539, 594 P.2d 163. In view of the holding, the minor has ordered the provision and designated it as section 1 of Article XVIII, Section 2, 6214, 1234, 1237 (Act 250), and enacted in the only proceeding the Preamble to the Constitution.

DISTRICTING AND APPORTIONMENT

Section 1. (Omitted as obsolete.)

Note: A proposal of the 1978 Constitutional Convention rewriting this section was not validly ratified. Kahalekai v. Doi, 60 H. 539, 594 P.2d 163.

DIVISIONALIZATION; ELECTIONS

Section 2. Article XV, Section 6, to the contrary notwithstanding, the terms of office of the members of the senate elected in the 1978 general election shall be as follows: Senatorial districts, two-year terms, senatorial districts, four-year terms. Every odd-numbered following number elected with the highest number of votes from their respective senatorial districts. Red district, one, second district, one, third district, one, fourth district, two, fifth district, two, sixth district, two, seventh district, two, eighth district, two. Members of the first class shall hold office for a term of four years beginning with their election and ending on the day of the second general election thereafter. The members of the second class shall hold office for a term of two years beginning with their election and ending on the day of the next general election thereafter. (Add Const Cnst 1978 and election Nov. 7, 1978)

SALARIES OF LEGISLATORS

Section 3. REPEALED. [Repealed HR 19 (1984) and election Nov. 7, 2006]

EFFECTIVE DATE FOR TERMS APPOINTED FOR VACANCIES AND LEGISLATIVE SUMMONS

Section 4. The amendments to Sections 1 and 2 of Article II shall limit the term of any person elected to the office of senator or representative in the 1978 or 1980 general election, or any person elected to fill any contemporary term vacancy due to Article or Resolution, Section 2 of Article XVII, Section 2 of Article XVIII.

JUDICIARY TRANSITION; EFFECTIVE DATE

Section 5. The three members initially appointed to the judicial selection commission by the governor shall serve for terms of one, two and three years respectively, as designated by the governor at the time of appointment, and thereafter the unexpired terms of the vacancies of representatives shall serve for two years. The two members initially appointed to the commission by the chief justice of the supreme court shall serve terms of four and six years respectively, as designated by the chief justice at the time of appointment, and thereafter the unexpired terms of the vacancies for terms of four and six years respectively. The current terms of justices and judges of the judicial selection commission is terminate provided, be, subject to earlier termination and renewal as provided in Article IV. The amendments to Section 1 of Article IV, Section 1 of Article VI, and Section 1 of Article VIII shall be effective on January 1, 1979. (Add Const Cnst 1978 and election Nov. 7, 1978)

EFFECTIVE DATE AND APPLICATION OF RELIC PROPERTY TAX TRANSFER

Section 6. The amendment to Section 3 of Article XVI shall take effect on the date of the first regular tax year after the date of the ratification of such amendment (November 7, 1978), provided that the current or previous tax year shall be deemed to be the first regular tax year for purposes of the transfer of the relic property throughout the State and shall be conditioned upon the agreement of a majority of the political subdivisions. Such political subdivision shall enact such uniform policies and methods of assessment by ordinance before the effective date of this section. Such uniform policies and methods of assessment shall be consistent with the uniform policies and methods of assessment established by the legislature. Any amendment to the uniform policies and methods of assessment established by the political subdivisions may only be made by agreement of a majority of the political subdivisions and approved thereafter by ordinance in such political subdivision.

Real property tax exemptions and dedications of land for specific use for assessment at its value in such use as provided in section 3 of Article XVI, Section 1 of Article VIII, and Section 1 of Article XI, shall be effective on the date of the first regular tax year after the date of the ratification of such amendment (November 7, 1978).

ratification; provided that increases in such exemptions, or the additions of new and further exemptions or dedications of lands, may be established or granted only by agreement of a majority of the political subdivisions, and such increases or additions shall be enacted by ordinance in each political subdivision. [Add Const Con 1978 and election Nov 7, 1978]

1978 BOARD OF EDUCATION ELECTIONS

Section 7. Members elected to the board of education in the 1978 general election shall serve for two-year terms. [Add Const Con 1978 and election Nov 7, 1978]

EFFECTIVE DATE FOR OFFICE OF HAWAIIAN AFFAIRS

Section 8. The legislature shall provide for the implementation of the amendments to Article XII in Sections 5 and 6 on or before the first general election following ratification of the amendments to Article XII in Sections 5 and 6. [Add Const Con 1978 and election Nov 7, 1978]

CONTINUITY OF LAWS

Section 9. All laws in force at the time amendments to this constitution take effect that are not inconsistent with the constitution as amended shall remain in force, mutatis mutandis, until they expire by their own limitations or are amended or repealed by the legislature.

Except as otherwise provided by amendments to this constitution, all existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights shall continue unaffected notwithstanding the taking effect of the amendments and may be maintained, enforced or prosecuted, as the case may be, before the appropriate or corresponding tribunals or agencies of or under the State or of the United States, in all respects as fully as could have been done prior to the taking effect of the amendments. [Ren and am Const Con 1968 and election Nov 5, 1968; ren Const Con 1978 and election Nov 7, 1978]

DEBTS

Section 10. The debts and liabilities of the Territory shall be assumed and paid by the State, and all debts owed to the Territory shall be collected by the State. [Ren Const Con 1968 and election Nov 5, 1968; ren Const Con 1978 and election Nov 7, 1978]

RESIDENCE, OTHER QUALIFICATIONS

Section 11. Requirements as to residence, citizenship or other status or qualifications in or under the State prescribed by this constitution shall be satisfied pro tanto by corresponding residence, citizenship or other status or qualifications in or under the Territory. [Ren Const Con 1968 and election Nov 5, 1968; ren Const Con 1978 and election Nov 7, 1978]

BOARD OF EDUCATION TRANSITION

Section 12. There shall be a period of transition from the elected to the appointed board of education, as provided by law. [Add HB 2376 (2010) and election Nov 2, 2010]

Effective Date

This constitution shall take effect and be in full force immediately upon the admission of Hawaii into the Union as a State. Done in Convention, at Iolani Palace, Honolulu, Hawaii, on the twenty-second day of July, in the year one thousand nine hundred fifty and of the Independence of the United States of America the one hundred and seventy-fifth.

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